

UNITED STATES DISTRICT COURT

for the

District of _____

Division _____

CV 423 072

Case No. _____

(to be filled in by the Clerk's Office)

Shana I. Houston

Plaintiff(s)

(Write the full name of each plaintiff who is filing this complaint. If the names of all the plaintiffs cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

-v-

Senior Citizens Inc., CEO Patricia C. Lyons

Defendant(s)

(Write the full name of each defendant who is being sued. If the names of all the defendants cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

Jury Trial: (check one) ☐ Yes ☐ No

FILED
U.S. DISTRICT COURT
SAVANNAH DIV.
2023 MAR 30 P 1:36
CLERK
SO. DIST. OF GA.

COMPLAINT FOR EMPLOYMENT DISCRIMINATION

I. The Parties to This Complaint

A. The Plaintiff(s)

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name

Shana I. Houston

Street Address

30 Thornbriar Drive

City and County

Hinesville, Liberty

State and Zip Code

Ga. 31313

Telephone Number

(912) 432-5695

E-mail Address

Shana.houston46@gmail.com

B. The Defendant(s)

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. For an individual defendant, include the person's job or title (if known). Attach additional pages if needed.

Pro Se 7 (Rev. 12/16) Complaint for Employment Discrimination

Defendant No. 1

Name
Job or Title *(if known)*
Street Address
City and County
State and Zip Code
Telephone Number
E-mail Address *(if known)*

Patricia C. Lyons
CEO
3025 Bull Street
Savannah, Chatham
Georgia, 31405
912-236-0363

Defendant No. 2

Name
Job or Title *(if known)*
Street Address
City and County
State and Zip Code
Telephone Number
E-mail Address *(if known)*

Senior Citizens Inc.
Non-profit Organization
3025 Bull Street
Savannah, Chatham
Georgia, 31405

Defendant No. 3

Name
Job or Title *(if known)*
Street Address
City and County
State and Zip Code
Telephone Number
E-mail Address *(if known)*

Defendant No. 4

Name
Job or Title *(if known)*
Street Address
City and County
State and Zip Code
Telephone Number
E-mail Address *(if known)*

C. Place of Employment

The address at which I sought employment or was employed by the defendant(s) is

Name	Senior Citizens, Inc.
Street Address	3025 Bull Street
City and County	Savannah, Chatham
State and Zip Code	Georgia, 31405
Telephone Number	(912) 236-0363

II. Basis for Jurisdiction

This action is brought for discrimination in employment pursuant to (check all that apply):

☒

Title VII of the Civil Rights Act of 1964, as codified, 42 U.S.C. §§ 2000e to 2000e-17 (race, color, gender, religion, national origin).

(Note: In order to bring suit in federal district court under Title VII, you must first obtain a Notice of Right to Sue letter from the Equal Employment Opportunity Commission.)

☐

Age Discrimination in Employment Act of 1967, as codified, 29 U.S.C. §§ 621 to 634.

(Note: In order to bring suit in federal district court under the Age Discrimination in Employment Act, you must first file a charge with the Equal Employment Opportunity Commission.)

☐

Americans with Disabilities Act of 1990, as codified, 42 U.S.C. §§ 12112 to 12117.

(Note: In order to bring suit in federal district court under the Americans with Disabilities Act, you must first obtain a Notice of Right to Sue letter from the Equal Employment Opportunity Commission.)

☐

Other federal law (specify the federal law):

☐

Relevant state law (specify, if known):

☐

Relevant city or county law (specify, if known):

III. Statement of Claim

Write a short and plain statement of the claim. Do not make legal arguments. State as briefly as possible the facts showing that each plaintiff is entitled to the damages or other relief sought. State how each defendant was involved and what each defendant did that caused the plaintiff harm or violated the plaintiff's rights, including the dates and places of that involvement or conduct. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

A. The discriminatory conduct of which I complain in this action includes *(check all that apply)*:

- ☐ Failure to hire me.
- ☐ Termination of my employment.
- ☐ Failure to promote me.
- ☐ Failure to accommodate my disability.
- ☒ Unequal terms and conditions of my employment.
- ☐ Retaliation.
- ☐ Other acts *(specify)*: _____

(Note: Only those grounds raised in the charge filed with the Equal Employment Opportunity Commission can be considered by the federal district court under the federal employment discrimination statutes.)

B. It is my best recollection that the alleged discriminatory acts occurred on date(s) _____

C. I believe that defendant(s) *(check one)*:

- ☐ is/are still committing these acts against me.
- ☒ is/are not still committing these acts against me.

D. Defendant(s) discriminated against me based on my *(check all that apply and explain)*:

- ☒ race _____
- ☒ color _____
- ☐ gender/sex _____
- ☐ religion _____
- ☐ national origin _____
- ☐ age *(year of birth)* _____ *(only when asserting a claim of age discrimination.)*
- ☐ disability or perceived disability *(specify disability)* _____

E. The facts of my case are as follows. Attach additional pages if needed.

325,000 - punitive damages

250,000 - emotional damages

96,680 - wages & cell phone use - Economic damages

(Note: As additional support for the facts of your claim, you may attach to this complaint a copy of your charge filed with the Equal Employment Opportunity Commission, or the charge filed with the relevant state or city human rights division.)

IV. Exhaustion of Federal Administrative Remedies

- A. It is my best recollection that I filed a charge with the Equal Employment Opportunity Commission or my Equal Employment Opportunity counselor regarding the defendant's alleged discriminatory conduct on (date)

05/11/2022

- B. The Equal Employment Opportunity Commission (check one):

☐

has not issued a Notice of Right to Sue letter.

☒

issued a Notice of Right to Sue letter, which I received on (date) _____.

(Note: Attach a copy of the Notice of Right to Sue letter from the Equal Employment Opportunity Commission to this complaint.)

- C. Only litigants alleging age discrimination must answer this question.

Since filing my charge of age discrimination with the Equal Employment Opportunity Commission regarding the defendant's alleged discriminatory conduct (check one):

☐

60 days or more have elapsed.

☐

less than 60 days have elapsed.

V. Relief

State briefly and precisely what damages or other relief the plaintiff asks the court to order. Do not make legal arguments. Include any basis for claiming that the wrongs alleged are continuing at the present time. Include the amounts of any actual damages claimed for the acts alleged and the basis for these amounts. Include any punitive or exemplary damages claimed, the amounts, and the reasons you claim you are entitled to actual or punitive money damages.

VI. Certification and Closing

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

A. For Parties Without an Attorney

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing: March 28, 2023

Signature of Plaintiff

Printed Name of Plaintiff

Shana I. Houston
Shana I. Houston

B. For Attorneys

Date of signing: _____

Signature of Attorney

Printed Name of Attorney

Bar Number

Name of Law Firm

Street Address

State and Zip Code

Telephone Number

E-mail Address

GEORGIA DEPARTMENT OF LABOR
CLAIMS EXAMINER'S DETERMINATIONSSN ***-**-9078
BYB 05/08/22
CWB 05/08/22
ACCT# 100817-06GEORGIA DEPARTMENT OF LABOR
APPEALS TRIBUNAL
148 ANDREW YOUNG INT'L BLVD NE, STE 525
ATLANTA, GA 30303-1734
EMAIL: appeals@gdol.ga.gov
FAX: 404-232-3901 OR 404-232-3902

CLAIMANT	EMPLOYER
SHANA I HOUSTON 30 THORNBRIAR DR HINESVILLE GA 31313	SENIOR CITIZENS INC 3025 BULL ST SAVANNAH GA 31405

SECTION I - CLAIM DETERMINATION

Benefits are allowed as of 05/08/22.

SECTION II - LEGAL BASIS FOR DETERMINATION

Section 34-8-194 (2) (A) of the Employment Security Law says that you cannot be paid unemployment benefits if you were fired from your most recent employer for not following your employer's rules or orders. In addition, you may not be paid unemployment benefits if you were fired for failing to perform the duties for which you were hired, if that failure was within your control. You also cannot be paid benefits if you were suspended for any of these same reasons. The law says that your employer has to show that discharge or suspension was for a reason that would not allow you to be paid unemployment benefits. If you cannot be paid unemployment benefits under this section of the law, you may qualify at a later time. To do this, you must find other work and earn wages covered under unemployment law. The covered wages must be at least ten times the weekly amount of your claim. If you then become unemployed through no fault of your own, you may reapply for unemployment benefits.

SECTION III - REASONING

Your employer states you were discharged due to Quitting. You deny the allegation and state you were seeking mediation to resolve departmental issues, shortage of staff, inoperable equipment, staff pay through negotiation. The two statements are conflicting and cannot be reconciled. In cases where the claimant is discharged, the burden of persuasion lies with the employer. The employer has not carried the burden of proof that you were at fault in your termination. Therefore, you can be paid benefits.

SECTION IV - ACCOUNT CHARGEABILITY

NOTICE TO EMPLOYER:

SECTION V - APPEAL RIGHTS

NOTE: This determination will become final unless you file an appeal by 06/16/22. If you wish to file an appeal, submit a request online at dol.georgia.gov, in writing by email to appeals@gdol.ga.gov, or fax to 404.232.3901 or 404.232.3902. If you file an appeal you must continue to report on your claim as instructed, or you will not be paid if you win your appeal. Refer to the Claimant Handbook for more details.

Georgia Department of Labor
Claims Examiner05/26/22
Date of Interview06/01/22
Mail Date

1. What is the date separation from your employer? 04/29/2022
2. What reason was given for quitting? CEO President of the company didn't provide the staff members needed to perform day to day operations of the kitchen and adhere to policy and procedures of The Health Department. After asking for over a year. Also, they failed to give myself / Staff members Proper raises. Being discriminated against.
3. Was notice given, if so, written or verbal and to whom (name/ title)? Verbal and Written Patti Lyons (CEO President) And John Lutz
4. Give date and details of (only) the last incident or the main reason that claimant left your employment? On February 28, 2022, the day before I went out for surgery, Patti Lyons CEO came to the kitchen and made a promise to myself and Tangela Campbell that she would immediately hire for the meat department. Since Tangela Campbell would also be out due to having 2nd diagnosed with breast cancer. After returning from medical leave, No one was hired. No repairs were made.
5. Did claimant discuss the problem with the employer before quitting? Yes, I discussed this over 50 times within this year.
6. Did claimant give the employer time/or a chance to resolve the problem? Yes, this has been an ongoing issue for over a year.
7. What did your employer do to solve the problem and what was your expectation? They did nothing to solve the problem. My expectations were to be given the staff I needed to perform daily duties, to have necessary repairs that were needed to adhere by policy and procedures of the Health Department. To give myself / Staff proper raises.

Summary: Since becoming the Director of The Nutritional Department, I have never been fully staffed. I have spent money out of my pocket to buy food for the Catering Program, waited up to a month sometimes to be reimbursed. I was never paid mileage for using my own vehicle. I was supposed to receive \$30 a month for my phone usage, I didn't until the beginning of the pandemic. Which ended after a few months after, and I should of been received indefinitely. I have been Discriminated against and treated unfairly. I have also attached proof of my complaints. I have emails and text messages.



U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

Savannah Local Office
7391 Hodgson Memorial Drive, Suite 200
Savannah, GA 31406
(912) 358-2810
Website: www.eeoc.gov

DETERMINATION AND NOTICE OF RIGHTS

(This Notice replaces EEOC FORMS 161 & 161-A)

Issued On: 01/05/2023

To: Mrs. Shana Houston
30 Thornbriar Dr
Hinesville, GA 31313
Charge No: 415-2022-00845

EEOC Representative and email: C Harris
Investigator
c.harris@eeoc.gov

DETERMINATION OF CHARGE

The EEOC issues the following determination: The EEOC will not proceed further with its investigation and makes no determination about whether further investigation would establish violations of the statute. This does not mean the claims have no merit. This determination does not certify that the respondent is in compliance with the statutes. The EEOC makes no finding as to the merits of any other issues that might be construed as having been raised by this charge.

NOTICE OF YOUR RIGHT TO SUE

This is official notice from the EEOC of the dismissal of your charge and of your right to sue. If you choose to file a lawsuit against the respondent(s) on this charge under federal law in federal or state court, **your lawsuit must be filed WITHIN 90 DAYS of your receipt of this notice.** Receipt generally occurs on the date that you (or your representative) view this document. You should keep a record of the date you received this notice. Your right to sue based on this charge will be lost if you do not file a lawsuit in court within 90 days. (The time limit for filing a lawsuit based on a claim under state law may be different.)

If you file a lawsuit based on this charge, please sign-in to the EEOC Public Portal and upload the court complaint to charge 415-2022-00845.

On behalf of the Commission,

Digitally Signed By: Darrell Graham
01/05/2023

Darrell Graham
District Director

EEOC Form 5 (11/09)

CHARGE OF DISCRIMINATION This form is affected by the Privacy Act of 1974. See enclosed Privacy Act Statement and other information before completing this form.	Charge Presented To: EEOC Agency(ies) Charge No(s): 415-2022-00845
Not Applicable State or local Agency, if any	

Name (indicate Mr., Ms., Mrs.) Mrs. Shana Houston	Home Phone 912-432-5695	Year of Birth
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Street Address: 30 Thornbriar Dr HINESVILLE, GA 31313

Named is the Employer, Labor Organization, Employment Agency, Apprenticeship Committee, or State or Local Government Agency That I Believe Discriminated Against Me or Others. (If more than two, list under PARTICULARS below.)

Name Senior Citizens Inc.	No. Employees, Members 101 - 200 Employees	Phone No.
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Street Address: 3025 Bull Sreet SAVANNAH, GA 31405
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Name	No. Employees, Members	Phone No.
------	------------------------	-----------

Street Address:	City, State and ZIP Code
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DISCRIMINATION BASED ON Race	DATE(S) DISCRIMINATION TOOK PLACE Earliest: 12/01/2016 Latest: 05/06/2022
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THE PARTICULARS ARE (If additional paper is needed, attach extra sheet(s)):- I was hired by the above-named employer on September 22, 1988. I was most recently employed as Nutrition Director. During my employment, my department has been short staffed while the departments of my Caucasian counterparts are appropriately staffed. Most recently in March 2022, I complained of the disparate treatment. Although I was promised additional employees my department never received the support. On May 6, 2022, I resigned due to the continued stress and unfair treatment. I believe I was discriminated against of my race (black), in violation of Title VII of the Civil Rights Act of 1964, as amended.
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I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or phone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.	NOTARY - When necessary for State and Local Agency Requirements
I declare under penalty of perjury that the above is true and correct. Digitally Signed By: Mrs. Shana Houston 05/11/2022 Charging Party Signature	I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief. SIGNATURE OF COMPLAINANT SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE (month, day, year)



U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION
Savannah Local Office

7391 Hodgson Memorial Drive, Suite 200
Savannah, GA 31406-2579
Intake Information Group: 800-669-4000
Intake Information Group TTY: 800-669-6820
Savannah Status Line: 866-408-8075
Savannah Direct Dial: (912) 920-4279
TTY (912) 920-4491
FAX (912) 920-4484
Website: www.eeoc.gov

MEDIATION SETTLEMENT AGREEMENT

CHARGE NUMBER: 415-2022-00845

CHARGING PARTY: Shana Houston

RESPONDENT: Senior Citizens, Inc.

1. In exchange for the promises made by RESPONDENT, pursuant to the above-captioned Charge, CHARGING PARTY agrees not to institute a lawsuit under Title VII of the Civil Rights Act of 1964, as amended, based on EEOC Charge Number 415-2022-00845.

2. Further we agree that submission of this agreement to EEOC will constitute a request for closure of EEOC Charge No. 415-2022-00845.

3. It is understood that this agreement does not constitute an admission by Respondent of any violation of Title VII.

4. Respondent agrees that there shall be no discrimination or retaliation of any kind against any person because of opposition to any practice deemed illegal under Title VII, as a result of filing this charge, or for giving testimony, assistance or participating in any manner in an investigation, proceeding or a hearing under the aforementioned Act.

5. This document constitutes a final and complete statement of the agreement between the parties (the Charging Party, the Respondent and the EEOC). Respondent or its representative will provide the Charging Party with a separate Release for signature. Charging Party will review the separate Release and if she is in agreement with its terms, she shall execute it accordingly. Failure of the Charging Party to execute the separate Release, or revocation of the separate Release, will make this Mediation Settlement Agreement null and void. It is understood that the EEOC is not a party to the separate Release, its provisions are not incorporated herein by reference and the EEOC will not enforce any provision of the separate Release.

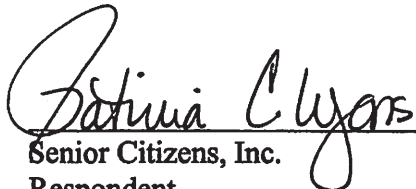
6. The parties agree that the EEOC is authorized to investigate compliance with this agreement and that this agreement may be specifically enforced in court by the EEOC or the parties and may be used as evidence in a subsequent proceeding in which a breach of this agreement is alleged.

Charge No.: 415-2022-00845

Page 2. Settlement

7. As evidence of a good faith effort to resolve this Charge, Respondent offers and Charging Party accepts the following proposal of settlement:

- a. Respondent agrees to pay the Charging Party the amount of \$15,000.00 in alleged compensatory damages for emotional distress. It is understood that Charging Party will be liable for any applicable taxes on this amount and Respondent will issue an IRS Form 1099 to her reflecting this payment.
- b. Respondent further agrees that, in furnishing oral or written references concerning Charging Party, as may be requested by prospective future employers, it will only disclose the dates of Charging Party's employment and her position, making no mention of the filing of any complaint or charge of discrimination against the Respondent or the settlement thereof.


Senior Citizens, Inc.
Respondent

9-8-2022
Date

Shana Houston
Charging Party

Date

In reliance on the promises made above (in paragraphs 1. through 7.), EEOC agrees to terminate its investigation and to not use the above referenced charge as a jurisdictional basis for a civil action under Title VII of the Civil Rights Act of 1964, as amended, the Age Discrimination in Employment Act of 1967 as amended, or Title I of the Americans with Disabilities Act of 1990, as amended. EEOC does not waive or in any manner limit its right to investigate or seek relief in any other charge including, but not limited to, a charge filed by a member of the Commission against the Respondent.

On Behalf of the Commission:

FOR
Darrell E. Graham
District Director
Atlanta District Office

Date